

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8068 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KABHAIBHAI RUPBHAI MAKWANA

Versus

DISTRICT MAGISTRATE

Appearance:

MR UI VYAS for Petitioner

SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 23/08/96

ORAL JUDGEMENT

Rule.

Ms. Harsha Devani, learned AGP waives service of Rule on behalf of the respondents.

Heard Mr U I Vyas, learned Advocate for the petitioner and Ms.Harsha Devani, learned AGP for the State. It is

contended that the licensing authority has cancelled the licence of the petitioner under section 17 of the Arms Act, 1959 in disregard to the principles of natural justice, inasmuch as no opportunity of hearing was given to him.

2. Considering the facts of the case, this Special Civil Application is allowed. The order of the Sub-Divisional Magistrate dated 15.2.1995 and the order of the District Magistrate dated 7.4.1995 are hereby quashed and set aside. The licensing authority is directed to pass a fresh order after hearing the petitioner. The petitioner shall appear before the licensing authority on 16.9.1996.

Rule made absolute to the aforesaid extent. Direct service is permitted.

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